

REMARKS

In response to the Restriction Requirement mailed April 28, 2004, Applicants elect Group XII, claims 5-14, 30, 33 and 36 drawn to an isolated polynucleotide encoding an amino acid, classified in class 435, subclass 69.1, as they pertain to the nucleic acid sequence, SEQ ID NO: 7, encoding the polypeptide of SEQ ID NO: 8, (also referred to in the specification as 21659259 EXT 3), with traverse.

Applicants traverse the restriction requirement. The claims of Group XII are drawn to nucleic acids. The claims of Group XXXVI are drawn to a method for detecting the presence of the nucleic acid molecule of the elected claim 5 of Group XII. These two groups of claims are not distinct because by detecting (claims of Group XXXVI) the nucleic acid (claims of Group XII), Group XXXVI becomes part of Group XII. In addition, Applicants believe that a search of SEQ ID NO: 7 which encodes the polypeptide of SEQ ID NO: 8 would encompass any references to use for examination of both Groups XII and XXXVI. Therefore, rejoinder of Group XII and XXXVI would not present a serious burden for the Examiner.

The M.P.E.P. §803 (Eighth Edition, August 2001, revised February 2003) states:

If the search and examination of an entire application can be made without serious search burden, the Examiner must examine it on the merit, even though it includes claims to independent and distinct inventions.

Applicants submit therefore, that according M.P.E.P. §803.02 claims to Groups XII and XXXVI should be examined together because the search and examination of these claims would not unduly burden the examiner.

Upon entry of this amendment, claims 5-10, 12-14, 30, and 33 will be pending. Claims 1-4, 15-18, 20-29, 31-32, 34-35, 37-40 and 42-43 have been canceled without prejudice or disclaimer as drawn to non-elected subject matter. Claims 19 and 41 are withdrawn. Applicants reserve the right to pursue these claims in a later application. Elected claims 11 and 36 have been canceled. Claims 5-10, 12, 30 and 33 have been amended. Support for amended claims can be found throughout the specification and claims as originally filed. More specifically support for the claims can be found at page 17, line 27 to page 21, line 24 and Figures 7-22. No new matter has been introduced.

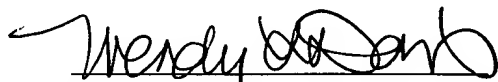
CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(b).

Applicants concurrently herewith submit a Petition and Amendment to Correct Inventorship under 37 C.F.R. §1.48(b), copy attached hereto, along with the processing fee set forth in 37 C.F.R. 1.17(h). Upon entry of this amendment, Kerry E. Quinn is named as the inventor of the claimed invention. The Petition and Amendment requests the deletion of the following persons who are not inventors of the claimed invention: Muralidhara Padigaru; Richard A. Shimkets; Steven K. Spaderna; Kimberly A. Spytek.

CONCLUSION

Applicants respectfully request that the amendments and remarks made herein be entered and made of record in the file history of the present application. Applicants respectfully submit that this paper is fully responsive and that the pending claims are in condition for allowance. Such action is respectfully requested. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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